

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Patrick Berry, Henrietta Brown, Nadine Little, Dennis Barrow, Virginia Roy, Joel Westvig, Emmett Williams, on behalf of themselves and a class of similarly situated individuals, and ZACAH,

Plaintiffs,

vs.

Hennepin County; Hennepin County Sheriff David Hutchinson, in his individual and official capacity; City of Minneapolis; Minneapolis Mayor Jacob Frey, in his individual and official capacity; Minneapolis Chief of Police Medaria Arradondo, in his individual and official capacity; Superintendent of the Minneapolis Park and Recreation Board Al Bangoura, in his individual and official capacity; Park Police Chief at the Minneapolis Park and Recreation Board Jason Ohotto, in his individual and official capacity; Police Officers John Does; and Police Officers Jane Does,

Defendants.

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Case No. 20-cv-02189  
Judge Wilhelmina M. Wright  
Magistrate Judge Leo I. Brisbois

**DECLARATION OF  
MICHAEL R. HERZING IN  
OPPOSITION TO MOTION FOR  
TEMPORARY RESTRAINING  
ORDER**

I, Michael R. Herzing, make this declaration pursuant to 28 U.S.C. § 1746.

1. I am a Director in the Hennepin County Human Services Department, overseeing the Access, Aging and Disabilities, Behavioral Health, and Housing Stability service areas. In that role I oversee 780 employees, including those working on housing stability. Since late March or early April of this year, I have also acted as the Operations

Chief for Hennepin County's COVID-19 response efforts. I have been a Hennepin County employee since 2005.

2. In my role, I am responsible for directing the work of leaders who provide management direction to teams of professionals who provide outreach and support to people experiencing homelessness. Those professionals help unsheltered people to find safe and adequate shelter and to access certain social services.

3. When COVID-19 hit, Hennepin County's efforts to help unsheltered people find housing and to access supportive social services increased. In particular, we sought to "deconcentrate" the populations living in shelters so that COVID would not spread in those buildings. Beginning in March 2020, we found rooms at area hotels for individuals we identified as being the greatest risk of death from COVID-19—older and medically-fragile individuals. We also identified separate rooms for individuals and families who tested positive for COVID or who were awaiting test results and were unable to safely self-isolate. Starting in April and May of 2020, we decided to operate all Hennepin County shelters 24 hours a day, 7 days a week, so that individuals experiencing homelessness could stay in those shelters during the day. Currently, all Hennepin County shelters are open 24/7.

4. Not only have we worked to open safe places for people during this pandemic, we are actively working to find permanent housing solutions for them. We have begun a Hotels to Housing project that, when fully staffed, will be comprised of 12 staff dedicated to working with hotel guests to identify housing solutions that best meet their needs. As a part of this work, we are working with the Minneapolis Public Housing Authority to find long-term public housing units that could be occupied by unsheltered

people; with other supportive housing programs, such as Board and Lodges; and with private landlords to house unsheltered people—including those who due to their previous rental history and/or criminal records might not be attractive tenants.

5. Since the start of our pandemic response in mid-March of 2021, we have stably housed 101 individuals from our hotels and continue to work every day to find housing for all of our guests.

6. There are, and have been since the onset of COVID, significant numbers of open beds in Hennepin County shelters for people experiencing homelessness. I am aware that Plaintiffs in this case have claimed that there is a lack of shelter beds available to those people residing in encampments. To the best of my knowledge, this claim is inaccurate. To the contrary, we have shelter beds available for single women every day. We have private rooms for families with children available every day. And we typically have shelter beds available for single men daily. Moreover, Hennepin County publicizes to the community and unsheltered people that it has beds available in shelters, including through various social media channels.

7. The County's work supporting unsheltered people continues on. Just yesterday, the County—together with the State and the City of Minneapolis—announced that it had 200 current vacancies in board and lodge facilities and that it would invest \$15.2 million this year to fund emergency shelter locations providing 200 new beds for people experiencing homelessness.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 21, 2020.

*s/ Michael R. Herzing*  
Michael R. Herzing